UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/NGO/116
21 February 2000
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Written statement*/ submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2000]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

The International Indian Treaty Council would like to address the Right to Development and its application to Indigenous Peoples.

The prevailing model for development under which member states have entered the Gregorian calendar's 21st century, has brought unparalleled economic prosperity to a few sectors of world society. But, as evidenced by the recent protests of hundreds of thousands of people throughout the world, including over 50,000 peaceful demonstrators including Indigenous Peoples' organizations in Seattle, Washington USA, during the Third Ministerial Meeting of the World Trade Organization, prosperity for the few comes at the expense of the human rights of millions.

Whether member states would listen or not, one of the broadest coalitions of the many sectors of civil society in modern history gathered in Seattle to discuss proven alternatives to the unbridled globalization of commerce which currently guides development. In the face of documented, unprovoked brutality, including beatings, the shooting of rubber bullets and point-blank chemical spraying by Seattle police forces, we declared the following: that today's development model has exacerbated human rights violations throughout the world, especially for Indigenous Peoples.

In the experience of Indigenous Peoples, development as currently imposed upon our communities results in violations of our right to development through irreversible damage to our ancestral lands, waters and natural resources. It also compromises our food security and traditional means of subsistence, our physical, spiritual and mental health, and, in many cases, relies upon our forced relocation or violent death at the hands of state forces and transnational interests. We would like to call to the Commission's attention that Indigenous Peoples have found no effective means of redress within the UN system to date for violations of our right to development, or for the gross violations of our comprehensive human rights resulting from the imposed development model.

The UN General Assembly adopted the Declaration on the Right to Development nearly twenty-five years ago. Article 1 of the Declaration states that the right to development is an inalienable human right in which all peoples are entitled to participate, and that this right is characterized as one "in which all human rights and fundamental freedoms can be fully realized." Article 1 also states that the full realization of the right of peoples to self-determination, and "full sovereignty over their wealth and natural resources," are fundamental to the right to development.

With respect to Indigenous Peoples, the 1990 UN Global Consultation on the Right to Development stated that, "the most destructive and prevalent abuses of Indigenous Rights are the direct consequences of development strategies that fail to respect their fundamental right of self-determination."

The Declaration on the Right to Development also recognizes that development is a comprehensive economic, social, cultural and political process. Other international declarations, standards and plans of action, such as those, which over 100 heads of state endorsed and adopted at the 1992 UN Earth Summit, maintain that that economic criteria for development must be balanced by social and environmental criteria.

As Indigenous Peoples, we are recognized by Agenda 21 -- the Earth Summit's plan of action for achieving sustainable development in the 21st century -- as a "Major Group" with a unique, historical relationship with and expertise about our lands and resources, Agenda 21 states that we should have an effective voice in the UN Commission on Sustainable Development (CSD) as it monitors, reports on and ensures effective follow-up to the Earth Summit.

The IITC has participated with a number of Indigenous Peoples' organizations in each annual session of the CSD since its creation in 1992. But the Indigenous presence at the CSD has dwindled significantly due to frustration with positions taken by many member states, especially those in the CANZUS group, Brazil and others; they consistently demonstrate a lack of political will by ignoring the millennial expertise which Indigenous Peoples bring to the table, failing to address and act upon our recommendations for sustainable development, and systematically deleting our references to human rights in the negotiated texts. Indeed, a member of the Secretariat of the Intergovernmental Forum on Forests confirmed our fear that the Intergovernmental process followed a "silva nullius" or "empty forests" doctrine when one of its members specifically encouraged us to leave human rights, social and cultural issues out of our interventions.

CHR Resolution 1996/38 recognizes "the profound spiritual, cultural, social and economic relationship that indigenous people have to their total environment and the urgent need to respect and recognize the rights of indigenous people to their lands and resources." It also acknowledges that "many of the human rights problems faced by indigenous people are linked to the historical and continuing deprivation of ancestral rights over lands and resources." While natural resources have been irreversibly depleted within the so-called developed world, an estimated 80% the world's biodiversity is found within Indigenous Peoples' lands. This, in turn, has provided a basis for the most pervasive forms of discrimination and resulting human rights violations against Indigenous Peoples.

To name one of many cases of current concern to the IITC, the government of Mexico continues to violate the 1939 presidential decree signed by Mexican President Lazaro Cardenas, which formally recognized the Yaqui People'lands in Mexico. The presidential decree also recognized the rights of the Yaqui Peoples, who are traditional subsistence farmers, to half the water in the Rio Yaqui (Yaqui River). Despite this commitment, since the decree was signed the Mexican government has permitted a series of dams to be built upstream, greatly reducing the amount of water from the river that actually reaches Yaqui lands. In addition, the Mexican government forces the Yaqui farmers to pay for the water at prices they cannot afford.

Soon after the decree was signed, Mexican banks also placed loan conditions on the Yaqui farmers, dictating which crops the Yaqui would grow and how they would grow them if they borrowed money to pay for the water and other costs of farming. Over time, these government- imposed conditions placed on their right to development have forced the Yaqui into a state of dire poverty in which they are forced to rent their lands to Mexican growers because they can not afford to plant themselves. They now suffer high rates of sickness and death due to groundwater contamination by the toxic pesticides used extensively by these growers in their farming practices.

Finally, we note with alarm that in northeast Colombia, after being surrounded by what is estimated by witnesses to be several thousand Colombian soldiers and police who threatened to poison the waters of the U'wa People and prevent them from obtaining food, several hundred U'wa were forcibly removed from a part of their ancestral lands to which they have title. This land encompasses a proposed oil drilling site of Occidental Petrolcum. Oil drilling at the drill site, which has a buffer zone of less than 1 km between it and the U'wa reserve, poses an irreversible threat to the U'wa. Furthermore, the drilling license was approved through a process which defied Colombian as well as international norms of effective consultation with Indigenous Peoples about projects which threaten their lives or culture.

We remind the Commission that forced removal is defined by Protocol II of the Geneva Convention as a crime, and is prohibited in time of war and civil conflict. But it is carried out against Indigenous Peoples with impunity by states in the name of drilling, mining, de-forestation and other development practices.

With respect to Indigenous Peoples Present-day development makes a mockery of the Declaration on the Right to Development and many international instruments and standards designed to protect ALL Peoples from the harms of purely market-oriented development. Indigenous Peoples in particular suffer disproportionately from a lack of corresponding mechanisms to safeguard our fundamental human rights in the face of imposed development.

We have found little-to-no national or international redress for the violation of our comprehensive human rights in the development context, or for our rights to determine what is meant by sustainable development for the health, well being and prosperity of our current and future generations. Therefore, we urge that the Commission on Human Rights establish at this session, without further delay, a Rapporteur on Indigenous Peoples, with a mandate which includes assessment of the impacts of imposed development on Indigenous Peoples and the denial of our fundamental right to development.